

1 PAUL ANDRE (State Bar No. 196585)
2 pandre@kramerlevin.com
3 LISA KOBIALKA (State Bar No. 191404)
4 lkobialka@kramerlevin.com
5 JAMES HANNAH (State Bar No. 237978)
6 jhannah@kramerlevin.com
7 KRAMER LEVIN NAFTALIS
8 & FRANKEL LLP
9 990 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 752-1700
Facsimile: (650) 752-1800

10 Attorneys for Plaintiff
11 FINJAN, INC.

12 JOHN ALLCOCK (Bar No. 98895)
john.allcock@dlapiper.com
13 SEAN CUNNINGHAM (Bar No. 174931)
sean.cunningham@dlapiper.com
KATHRYN RILEY GRASSO (Bar No. 211187)
kathryn.riley@dlapiper.com
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: (619) 699-2700
Fax: (619) 699-2701

SUMMER K. TORREZ (Bar No. 264858)
summer.krause@dlapiper.com
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2215
Tel: 650.833.2000
Fax: 650.833.2001

14 Attorneys for Defendant and Counterclaimant,
15 FIREYE, INC.

16
17 **UNITED STATES DISTRICT COURT**
18
19 **NORTHERN DISTRICT OF CALIFORNIA**
20
21 **OAKLAND DIVISION**

22 FINJAN, INC., a Delaware Corporation,

23 Plaintiff,

24 v.

25 FIREYE, INC., a Delaware Corporation,

26 Defendant.

27 Case No.: 13-CV-03133-SBA

28 **JOINT STATUS REPORT**

1 Pursuant to the terms of the Order Granting Motion to Stay Pending Reexamination (Dkt. No.
2 72), Plaintiff Finjan, Inc. (“Finjan”) and Defendant FireEye, Inc. (“FireEye”) hereby provide the Court
3 with the following status update.

4 **I. STATUS OF THE LITIGATION**

5 Pursuant to the Court’s Order Dated June 2, 2014 (Dkt. No. 72), this case has been stayed
6 pending reexamination of U.S. Patents Nos. 7,058,822 and 7,647,633.
7

8 **II. STATUS OF THE REEXAMINATION PROCEEDINGS**

9 **A. U.S. Patent No. 7,058,822 (the “’822 Patent”) – Control No. 90/013,017**

10 FireEye originally filed an *ex parte* reexamination request for the ’822 Patent on October
11 7, 2013 seeking *ex parte* reexamination of claims 1-8 and 16-27. On December 6, 2013, the
12 Patent Office granted reexamination of the ’822 Patent and initially rejected all claims for which
13 FireEye requested reexamination. On March 6, 2014, Finjan responded to the initial rejection.
14 On September 8, 2014, the Patent Office issued a final rejection of all reexamined claims. On
15 October 8, 2014, Finjan responded requesting further examination following the final rejection of
16 all claims with proposed amendments. On October 23, 2014, the Patent Office issued an advisory
17 action, rejecting Finjan’s request for further examination with the proposed amendments. On February
18 26, 2015, Finjan filed an appeal of the Patent Office’s decision to the Patent Trial and Appeal Board.
19 On March 30, 2015, the corresponding Examiner’s Answer was filed by the Patent Office. On June 1,
20 2015, Finjan filed a reply brief in response to Examiner’s Answer. On November 3, 2015, an oral
21 hearing was held before the Patent Trial and Appeal Board.
22

23 **B. U.S. Patent No. 7,647,633 (the “’633 Patent”) – Control No. 90/013,016**

24 FireEye originally filed an *ex parte* reexamination request for the ’633 Patent on October
25 7, 2013 seeking *ex parte* reexamination of claims 1-7 and 28-33. On November 19, 2013, the
26 Patent Office granted the reexamination of the ’633 Patent and initially rejected all claims for
27

which FireEye requested reexamination. On February 19, 2014, Finjan responded to the initial
rejection, including proposing claim amendments to present new claims 42-52. On May 22, 2015, a
final rejection was issued by the Patent Office that entered the claim amendments and rejected claims
1-7, 28-33 and 42-52. On August 24, 2015, Finjan filed an appeal of the Patent Office's decision to
the Patent Trial and Appeal Board.

Respectfully submitted,

DATED: November 30, 2015

By: /s/James Hannah

Paul Andre (State Bar. No. 196585)

Lisa Kobialka (State Bar No. 191404)

James Hannah (State Bar No. 237978)

KRAMER LEVIN NAFTALIS & FRANKEL LLP

990 Marsh Road

Menlo Park, CA 94025

Telephone: (650) 752-1700

Facsimile: (650) 752-1800

pandre@kramerlevin.com

lkobialka@kramerlevin.com

jhannah@kramerlevin.com

Attorneys for Plaintiff

FINJAN, INC.

Respectfully submitted,

DATED: November 30, 2015

By: /s/Todd Patterson

SUMMER K. TORREZ (Bar No. 264858)

DLA PIPER LLP (US)

2000 University Avenue

East Palo Alto, CA 94303-2215

Tel: 650.833.2000

Fax: 650.833.2001

summer.krause@dlapiper.com

JOHN ALLCOCK (Bar No. 98895)

SEAN CUNNINGHAM (Bar No. 174931)

KATHRYN RILEY GRASSO (Bar No. 211187)

DLA PIPER LLP (US)

401 B Street, Suite 1700

San Diego, CA 92101-4297

Tel: (619) 699-2700

Fax: (619) 699-2701

john.allcock@dlapiper.com

sean.cunningham@dlapiper.com

kathryn.riley@dlapiper.com

Attorneys for Defendant
FIREYE, INC.

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

By: /s/ James Hannah
James Hannah (State Bar No. 237978)